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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 17, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 561 West

Mountain Drive

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,775 for a subdivision at 561 West Mountain Drive (finding the Parcel Map in conformance with the state Subdivision Map Act, the City's Subdivision Ordinance, and the tentative subdivision map) and other standard agreements relating to the approved subdivision.

DISCUSSION:

A Tentative Map for a subdivision located at 561 West Mountain Drive (Attachment 1) was conditionally approved on March 15, 2007, by adoption of the Planning Commission Conditions of Approval, Resolution Number 014-07. The project proposed a 4-lot subdivision of an 8.8 acre parcel with the existing residence to remain on one lot, but the project was appealed to Council on March 26, 2007, and again on July 24, 2007. Council directed the applicant to revise the project by reducing the project to a 3-lot subdivision by Council Resolution Number 07-086 (Attachment 2).

In accordance with the Council approval, the Owners (Attachment 3) have signed and submitted the Parcel Map and the subject Agreements to the City, tracked under Public Works Permit Number PBW2008-00661. It is necessary that Council approve the Parcel Map since it conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060).

Staff recommends that Council authorize the City Administrator to execute the subject Agreement Relating to Subdivision Map Conditions Imposed on Real Property.

The Agreement Assigning Water Extraction Rights was processed separately and recorded on October 4, 2008 as instrument 2008-0060984.

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THE PARCEL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

ATTACHMENTS: 1. Vicinity Map

2. Conditions required to be recorded concurrent with Parcel Map Number 20,775 by the Council's Conditions of Approval,

Resolution Number 07-086

3. List of Owners/Trustees

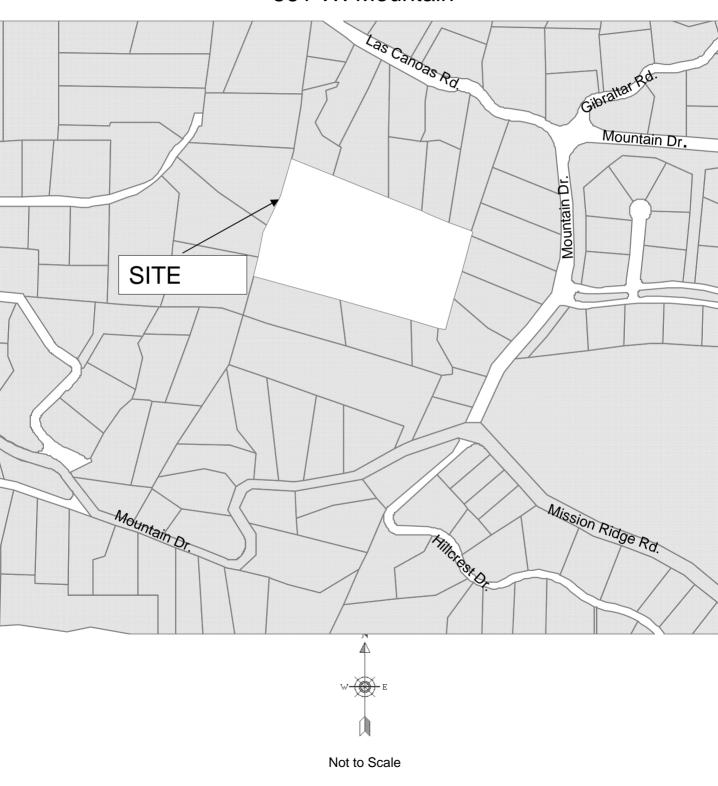
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map 561 W. Mountain



CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NO. 20,775 BY COUNCIL CONDITIONS OF APPROVAL, RESOLUTION NUMBER 07-086

561 West Mountain Drive

Said approval is subject to the following conditions:

- 1. Uninterrupted Water Flow. The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate.
- 2. Recreational Vehicle Storage Limitation. No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
- 3. Landscape Plan Compliance. The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
- 4. Storm Water Pollution Control and Drainage Systems Maintenance. Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control systems fail to capture, infiltrate and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment, or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project related drainage facilities, and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
- 5. Development Rights Restrictions. The Owner shall not conduct any development within the restricted portion of the Real Property (that area outside of the development envelope) as designated on the approved Tentative Subdivision Map in order that those portions of the Real Property remain in their natural state. These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures or utility service lines. The restricted areas shall be shown on the Final Map. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
- 6. Approved Development. The development of the Real Property approved by the City Council on November 20, 2007 is limited to three lots, the construction of two new residences with garages, and associated landscape improvements as shown on the approved architectural drawings and as conditioned herein, and the improvements shown on the Tentative Subdivision Map signed by the Mayor of the City Council on said date and on file at the City of Santa Barbara. No detached accessory structures are permitted on Lot 2. Building pad elevations or building heights for Lots 1 and 3 shall be reduced from the plans reviewed by the Planning Commission on March 15, 2007
- 7. Required Private Covenants. The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:

- a. Common Area Maintenance. An express method for the appropriate and regular maintenance of the common access way(s), common utilities, and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels. This document shall be reviewed and approved by the Public Works Department, Fire Department, Community Development Department and City Attorney prior to recordation, and shall be similar to the draft "Declaration of Covenants, Conditions and Restrictions for Maintenance of Private Road and Formation of Private Road Owners' Association (Jorgensen Lane)" reviewed by the City in 2007.
- b. Trash and Recycling. Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- **c. Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- 8. **Lighting**. Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
- 9. Tree Protection. The existing trees shown to be protected on the Tree Protection and Removal Plan shall be preserved, protected and maintained in accordance with the recommendations contained in the arborist's report and supplement prepared by Westree, dated March 21, 2006 and December 15, 2006, and August 4, 2007, respectively. A copy of these reports shall be attached to the recorded conditions as an exhibit. The following provisions shall apply to any oak trees to remain on the property:
 - **a.** No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - **b.** The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
- 10. Pesticide or Fertilizer Usage Near Creeks/Drainages. The use of pesticides or fertilizer shall be prohibited within the areas outside of the development envelopes as identified on the approved Tentative Map, which drain directly into adjacent drainages.
- 11. Storm Water Pollution Control Systems Maintenance. The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.

ATTACHMENT 3

LIST OF MEMBERS Jorgensen Ranch, LLC

561 West Mountain Drive

Milan Timm, Manager

Richard L. Ridgeway, Manager